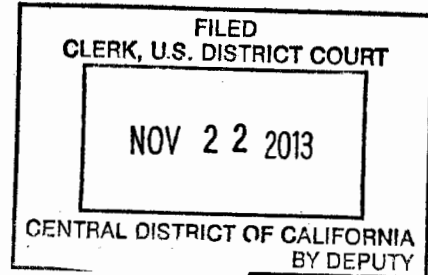


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9 Attorneys for Plaintiff
10 United States of America

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 EASTERN DIVISION

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 DANIEL LOPEZ,
18 Defendant.
19
20

) Case No.

) GOVERNMENT'S NOTICE OF REQUEST
) FOR DETENTION

M 13 03049

21
22 Plaintiff, United States of America, by and through its
23 counsel of record, hereby requests detention of defendant and
24 gives notice of the following material factors:

- 25 1. Temporary 10-day Detention Requested (§ 3142(d))
26 on the following grounds:
27
28

- 1 ___ a. offense committed while defendant was on
2 release pending (felony trial), (sentencing)
3 (appeal) or on (probation) (parole);
4 ___ b. alien not lawfully admitted for permanent
5 residence;
6 ___ c. flight risk;
7 ___ d. danger to community.

8 X 2. Pretrial Detention Requested (§ 3142(e)) because
9 no condition or combination of conditions will
10 reasonably assure against:

- 11 X a. danger to any other person or the community;
12 X b. flight.

13 ___ 3. Detention Requested Pending Supervised
14 Release/Probation Revocation Hearing (Rules
15 32.1(a) (6), 46(d), and 18 U.S.C. § 3143(a)):

- 16 ___ a. Defendant cannot establish by clear and
17 convincing evidence that he/she will not pose
18 a danger to any other person or to the
19 community;
20 ___ b. Defendant cannot establish by clear and
21 convincing evidence that he/she will not
22 flee.

23 ___ 4. Presumptions Applicable to Pretrial Detention
24 (18 U.S.C. § 3142(e)):

- 25 ___ a. Title 21 or Maritime Drug Law Enforcement Act
26 ("MDLEA") (46 U.S.C. App. 1901 et seq.)
27 offense with 10-year or greater maximum
28

1 penalty (presumption of danger to community
2 and flight risk);

3 _____ b. offense under 18 U.S.C. § 924(c) (firearm
4 used/carried/possessed during/in relation
5 to/in furtherance of crime), § 956(a), or §
6 2332b (presumption of danger to community and
7 flight risk);

8 _____ c. offense involving a minor victim under 18
9 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1),
10 2245, 2251, 2251A, 2252(a)(1)-(a)(3),
11 2252A(a)(1)-2252A(a)(4), 2260, 2421, 2422,
12 2423 or 2425 (presumption of danger to
13 community and flight risk);

14 _____ d. defendant currently charged with (I) crime of
15 violence, (II) offense with maximum sentence
16 of life imprisonment or death, (III) Title 21
17 or MDLEA offense with 10-year or greater
18 maximum sentence, or (IV) any felony if
19 defendant previously convicted of two or more
20 offenses described in I, II, or III, or two
21 or more state or local offenses that would
22 qualify under I, II, or III if federal
23 jurisdiction were present, or a combination
24 of such offenses, AND defendant was
25 previously convicted of a crime listed in I,
26 II, or III committed while on release pending
27 trial, AND the current offense was committed
28

1 within five years of conviction or release
2 from prison on the above-described previous
3 conviction (presumption of danger to
4 community).

5 X 5. Government Is Entitled to Detention Hearing
6 Under § 3142(f) If the Case Involves:

- 7 a. a crime of violence (as defined in 18 U.S.C.
8 § 3156(a)(4)) or Federal crime of terrorism
9 (as defined in 18 U.S.C. § 2332b(g)(5)(B))
10 for which maximum sentence is 10 years'
11 imprisonment or more;
- 12 b. an offense for which maximum sentence is life
13 imprisonment or death;
- 14 c. Title 21 or MDLEA offense for which maximum
15 sentence is 10 years' imprisonment or more;
- 16 d. instant offense is a felony and defendant has
17 two or more convictions for a crime set forth
18 in a-c above or for an offense under state or
19 local law that would qualify under a, b, or c
20 if federal jurisdiction were present, or a
21 combination or such offenses;
- 22 X e. any felony not otherwise a crime of violence
23 that involves a minor victim or the
24 possession or use of a firearm or destructive
25 device (as defined in 18 U.S.C. § 921), or
26 any other dangerous weapon, or involves a
27 failure to register under 18 U.S.C. § 2250;
- 28

- 1 X f. serious risk defendant will flee;
2 g. serious risk defendant will (obstruct or
3 attempt to obstruct justice) or (threaten,
4 injure, or intimidate prospective witness or
5 juror, or attempt to do so).

6 6. Government requests continuance of days
7 for detention hearing under § 3142(f) and based
8 upon the following reason(s):
9 _____
10 _____
11 _____


12 7. Good cause for continuance in excess of three
13 days exists in that:
14 _____
15 _____
16 _____

17
18 DATED: November 22, 2013

Respectfully submitted,

19 ANDRÉ BIROTTE JR.
20 United States Attorney

21 ANTOINE F. RAPHAEL
22 Assistant United States Attorney
23 Chief, Riverside Branch Office

24 
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28 UNITED STATES OF AMERICA